

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

LOWER BRULE SIOUX TRIBE; and individual)
members Neil Pierre Russell, Stephanie Bolman,)
and Ben Janis,)

Plaintiffs,)

v.)

LYMAN COUNTY; LYMAN COUNTY)
BOARD OF COMMISSIONERS; BRIAN)
KRAUS, in his official capacity as Lyman)
County Commissioner; LESLIE REUER, in her)
official capacity as Lyman County)
Commissioner; ZANE REIS, in his official)
capacity as Lyman County Commissioner;)
RYAN HUFFMAN, in his official capacity as)
Lyman County Commissioner; JARED)
SCHELSKE, in his official capacity as Lyman)
County Commissioner; and DEB HALVERSON,)
in her official capacity as Lyman County Auditor,)

Defendants.)

Case No. 3:22-cv-03008

**DEFENDANTS' MOTION TO
DISMISS IN LIEU OF ANSWER**

COMES NOW Defendants, by and through their counsel, Sara Frankenstein and Richard M. Williams of Gunderson, Palmer, Nelson & Ashmore, LLP, and respectfully submit this Motion to Dismiss in Lieu of an Answer, filed pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6). This motion is supported by the accompanying brief and Affidavit of Deb Halverson.

Dated: June 28, 2022.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By: /s/ Sara Frankenstein

Sara Frankenstein
Richard M. Williams
Attorneys for Defendants
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709
Telephone: (605) 342-1078
Telefax: (605) 342-9503
E-mail: sfrankenstein@gpna.com
rwilliams@gpna.com